

IN RE: ABRAHAM DAVID GOSMAN,
Debtor. /

JOSEPH J. LUZINSKI, Trustee

Plaintiff,
vs.

ABRAHAM D. GOSMAN and
LIN CASTRE GOSMAN, a/k/a
LINDA CASTRE GOSMAN

Defendants. /

Case No.: 01-30953-BKC-SHF
Adv. Pro. No.: 02-3155-BKC-SHF-A

Pursuant to a writ of execution issued by the court, the Deputy U.S. Marshals levied upon property belonging to the Defendants. As a result of that levy, approximately 20 boxes of documents were recovered as well as four computers. The Trustee motioned the Court for an in camera review of the documents and the computer information to make a determination as to "inherent value" of any of the documents or information. The Trustee further sought to utilize the examination to determine if the documents would satisfy any discovery requests that have not been complied with. The Trustee is requesting that the Court conduct an in camera review of the documents seized in order to determine which documents may be turned over to the Trustee.

The enforcement of a judgment through a writ of execution is controlled by Florida state law. Fed. R. Civ. P. 69, Chapter 56, Fla. Stat. Pursuant to Fla. Stat. § 56.061. While Fla. Stat. § 56.061 describes categories of items that are subject to levy, the statute gives no direction regarding the process on how to inspect the property to determine which items fall within these categories. The Fourth District Court of Appeals has held that some papers and documents of "inherent value" are subject to a writ of execution and levy by the appropriate parties. *Luskin v. Luskin*, 616 So.2d 556, 557 (Fla. 4th D.C.A. 1993). The Court concluded that the appropriate procedure would be to conduct an in camera hearing to determine if the judgment debtor's documents were inherently valuable before making them available to the opposing party. *Id.* at 558. The case law has narrowed the list of potentially inherently valuable items by ruling that items such as financial documents, personal records, property records, and privileged communications are **not** inherently valuable. *Braswell v. Ryan Investment, LLC*, 2003 WL 354509 (Fla. Cir. Ct. 2003). However, the list of what **is** inherently valuable is less defined. For example, case law indicates that items such as stock certificates and liquor licenses are inherently valuable. *Luskin v. Luskin*, 616 So.2d 556, 557 (Fla. 4th D.C.A. 1993).

The Court finds it appropriate to appoint a Special Master to have access to all levied boxes of documents so that he may conduct an in camera review to make the determination as to which documents, if any, have inherent value. Only items found to have inherent value will be turned over to the Trustee for review. Furthermore, the Court found that the information contained on the four computers is not reviewable by the Trustee and is not subject to an in camera review for a determination as to inherent value.